

Panaji, 13th April, 1989 (Chaitra 23, 1911)

SERIES I No. 2

OFFICIAL GAZETTE

GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Community Development and Panchayats

Notification

3/51/83/LAWD/CDP

In exercise of the powers conferred by clauses (b) and (c) of sub-section (1) of section 9 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (No. 9 of 1962), read with Goa Government Notification No. 1/15(6)/84-F&A(3) dated 19-10-87, and after consultation with the Panchayat concerned, I, Shakti Sinha, Secretary to the Government of Goa, Incharge of Panchayats, hereby exclude the entire area comprised within the limits of the Village Panchayat of Pernem from the said Panchayat and also declare that the Village 'Pernem' shall cease to exist by reason of inclusion of such excluded area in the Pernem Municipal Council area.

By order and in the name of the Governor of Goa.

Shakti Sinha, Secretary to the Government of Goa
Incharge of Panchayats.

Panaji, 11th April, 1989.

Department of Science, Technology & Environment

Notification

5-4-88-STE

In exercise of the powers conferred by sub-sections (1) and (2) of section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the Government of Goa hereby constitutes an Appellate Authority consisting of the Minister for Environment, Government of Goa, Panaji for the purpose of the said Act.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa, Science, Technology and Environment Department.

Panaji, 10th April, 1989.

Notification

5-4-88-STE

In exercise of the powers conferred by sub-section (3) of section 28 read with clause (m) of sub-section (2) of section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), and in consultation with the Goa State Pollution Control Board the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Goa Water (Prevention and Control of Pollution) Appeal Rules, 1989.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— In these rules, unless the context otherwise requires, —

(a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974);

(b) "appellant" means any person aggrieved by and appealing against an order made by the State Board under section 25, section 26 or section 27 of the Act;

(c) "appellate authority" means an appellate authority constituted by the Government under section 28 of the Act;

(d) "Form" means the form annexed to these rules;

(e) "Government" means the Government of Goa;

(f) "Member Secretary" means the Member-Secretary of the State Board;

(g) "section" and "sub-section" means the section and the sub-section respectively of the Act.

(h) "State Board" means the Goa State Pollution Control Board constituted under sub-section

(1) of section 4 of the Act;

(i) Words and expression used in these rules but not defined, shall have the same meanings as assigned to them in the Act.

CHAPTER II

Memorandum of appeal

3. *Appeal to be filed by aggrieved persons.* — (1) Every appeal against an order passed by the State Board under section 25, section 26 or section 27 of the Act shall be filed by the aggrieved persons in Form 'A' if it relates to a matter covered by clause (a) of sub-section (5) of section 28 and in Form 'B' if it relates to a matter covered by clause (b) of sub-section (5) of section 28.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no joint appeal made on behalf of more than one person shall be entertained by the appellate authority.

(3) (a) Every appeal shall —

- (i) be in writing;
- (ii) specify the name and address of the appellant and the date of the order appealed against;
- (iii) specify the date on which the order appealed against was communicated to the appellant;
- (iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal;
- (v) state precisely the relief prayed for; and
- (vi) be signed and verified by the appellant or his agent duly authorised by the appellant in writing in this behalf.

(b) Every appeal shall be accompanied by —

- (a) an authenticated copy of the order against which the appeal is made;
- (b) a copy of the application made under section 25 or under section 26, as the case may be;
- (c) any document relevant to the appeal; and
- (d) a satisfactory proof of the payment of the fee prescribed under this rule.

(c) A fee of Rs. 200/- only shall be deposited by every appellant in the office of the appellate authority and an authenticated copy of the receipt obtained therefor shall be affixed to every appeal. No appeal which is not accompanied by the aforesaid copy of the receipt shall be entertained by the appellate authority.

(4) Every appeal shall be submitted in quadruplicate and shall be presented to the appellate authority either by the appellant or by his authorised agent in person or may be sent to such authority by registered post. When the appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such agent.

(5) On receipt of the appeal, the appellate authority or any person authorised by it in this behalf, shall endorse thereon the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

4. *Procedure to be followed by the appellate authority in dealing with and disposal of the appeal.*

— (1) The appellate authority shall, as soon as may be, after the appeal is filed before it, fix a date for hearing the appeal and give intimation of the same to the appellant and the Member-Secretary in Form 'C'. While giving such intimation to the Member Secretary, a copy of the appeal together with enclosures received with it, shall also be sent to the Member-Secretary, and he shall be called upon to send to the appellate authority all the relevant records connected with the matter relating to the appeal.

(2) Where the material on record is insufficient to enable the appellate authority to come to a definite decision, it may take additional evidence and call for such further material from the appellant or the Member-Secretary as it deems fit. Such material shall form part of the record, but not in respect of the party other than that from whom such records has been received unless such other party has been given an opportunity to pursue such record and defend itself against anything contained therein which is detrimental to the interest of that party:

Provided that the appellate authority may, pending disposal of an appeal or application, at any stage of the proceedings stay the execution of the order appealed against:

Provided further that the appellate authority shall not stay the execution of the order appealed against without affording the State Board a reasonable opportunity of being heard in the matter.

(3) Where on the date fixed for hearing or on any date to which the hearing of the appeal may be adjourned, the appellant or his duly authorised agent does not appear when the appeal is called for hearing, the appeal shall be liable to be dismissed.

(4) When an appeal is dismissed under sub-rule (3), the appellant may, within thirty days from the date of dismissal of appeal, apply to the appellate authority for the restoration of the appeal and if it is shown to the satisfaction of the appellate authority that the appellant had not received intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in the opinion of the appellate authority, from appearing when the appeal was called for hearing, the appellate authority may restore the appeal on such terms as it thinks fit.

5. *Order to be in writing.* — The order passed by the appellate authority on the appeal shall be in writing and shall state clearly the points before it for determination, the decision thereon, and the reasons for the decision.

6. *Supply of copy of order to the appellant and the Board.* — A copy of the order passed in appeal shall be supplied by the appellate authority free of cost to the appellant and a copy thereof shall also be sent to the Member-Secretary.

FORM 'A'

Form of appeal under section 28 of the Water (Prevention and Control of Pollution) Act, 1974

[See sub-rule(1) of rule 3]

Before ..., Appellate Authority constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974).

Memorandum of appeal of Shri ... — Appellant
V/s
The Goa State Pollution Control Board — Respondent

The appeal of Shri ... resident ... District ... against the order ... dated ... passed by the Goa State Pollution Control Board under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 sheweth as follows:—

- (1) Under section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974), the appellant has been granted consent subject to the condition mentioned in the consent order in respect of the ... Company/Corporation/Municipality/notified Area Committee; etc. noted below:

- (a) name of Plant/Company/Corporation/Municipality/notified Area Committee;
(b) Place;
(c) Ward No.;
(d) Name of the street; and
(e) District.

A copy of the consent order in question is attached hereto.

- (2) The facts of the case are as under:—
(Here briefly mention the facts of the case).
- (3) The grounds on which the appellant relies for the purpose of this appeal are as below:—
(Here mention the grounds on which appeal is made).

1.
2.
3.

- (4) In the light of what is stated above, the appellant respectfully prayeth that (a) the unreasonable condition(s) imposed should be treated as annulled or it/they should be substituted for such other condition(s) as appears to be reasonable

or

- (b) the unreasonable condition(s) ... should be varied in the following manner (here mention the manner in which the condition(s) objected should be revised).

An amount of Rs. ... as fee for this appeal has been paid vide receipt No. ... dated ... as authenticated copy of which is attached in proof of payment.

Signature of the Applicant

Name ... (in Block letters)
Occupation ...
Address ...

Date:

VERIFICATION

I ... (appellant's name) in the above Memorandum of appeal/or duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature

Name ... (in Block letters)
Occupation ...
Address ...

Date:

* Strike out what is not applicable.

FORM 'B'

Form of Memorandum of appeal under section 27 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974)

[See sub-rule (1) of rule 3]

Before ... Appellate Authority constituted under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974).

Memorandum of appeal of Shri ... — Appellant
V/s
The Goa State Pollution Control Board — Respondent

The appeal of Shri ... resident of ... District ... against the order ... dated ... passed by the Goa State Pollution Control Board under section 27 of the Water (Prevention and Control of Pollution) Act, 1974 sheweth as follows:—

- * The appellant has been refused consent
or

* The consent has been withdrawn by the Board in respect of the Plant/Company/Corporation/Municipality/Notified Area Committee noted below:

- (a) name of the Plant/Company/Corporation/Municipality/notified Area Committee;
(b) place;
(c) Ward No.;
(d) Name of street;
(e) District.

A copy of the order in question is attached hereto.

The appellant being aggrieved by the aforesaid order respectfully prayeth that the said order be set aside on, among others, the following ground(s).

Signature

Name ... (in Block letters)
Occupation ...
Address ...

Date:

VERIFICATION

I ... (appellant's name) in the above Memorandum of appeal/or duly authorised agent do/does hereby declare that what is stated therein is true to the best of my knowledge and belief and nothing has been hidden thereunder.

Signature

Name ... (in Block letters)
Occupation ...
Address ...

Date:

* Strike out what is not applicable.

FORM 'C'

Form of Notice

[See sub-rule (1) of rule 4]

Before ..., Appellate Authority as constituted under Section 28(1) of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974).

Shri ... (here mention name nad address of appellant).

V/s

The Goa State Pollution Control Board — Respondent

In the matter of appeal No. ... 198..., filed under section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974).

Whereas Shri ... (here mention name and address of the appellant) has filed before the Appellate Authority a Memorandum of appeal against the order ... dated ... passed by the Goa State Pollution Control Board under *section 25/26/27 of the Act, 1974;

And Whereas under sub-section (4) of section 28 of the Act, this Authority is required to give the parties an opportunity of being heard.

Now, Therefore, please take notice that the Appellate Authority has fixed ... 19... as the date of hearing of the aforesaid appeal. The hearing shall take place at ... a.m./p.m. on that date in the Office of the Board at ... You are hereby called upon to appeal before the Appellate Authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the day of hearing either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of the

Appellate Authority will make your appeal liable to be dismissed or decided ex-parte.

Given under the hand and seal of the Appellate Authority at ...

This ... day ... 198...

* Delete whatever is not applicable.

By order and in the name of the Governor of Goa.

A. T. Fernandes, Under Secretary to the Govt. of Goa (Science, Technology and Environment Department).

Panaji, 10th April, 1989.